

AMENDED IN SENATE MAY 7, 2014

SENATE BILL

No. 1298

Introduced by Senator Hernandez

February 21, 2014

An act to amend Section 149.7 of, and to repeal and add Section 149.9 of, the Streets and Highways Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

SB 1298, as amended, Hernandez. High-occupancy toll lanes.

(1) Existing law authorizes a regional transportation agency, in cooperation with the Department of Transportation, to apply to the California Transportation Commission to develop and operate high-occupancy toll (HOT) lanes, including administration and operation of a value-pricing program and exclusive or preferential lane facilities for public transit.

Existing law requires the commission to conduct at least one public hearing in northern California and one in southern California for each application and limits the number of approved facilities to not more than 4, 2 in northern California and 2 in southern California. Existing law provides that no applications may be approved on or after January 1, 2012.

This bill would remove the limitations on the number of HOT lanes that the commission may approve and would delete the January 1, 2012, deadline for HOT lane applications. ~~The bill would also delete the requirement for public hearings on each application.~~ *The bill would provide that each application is subject to the review and approval of the commission, and would require that resources necessary in that regard be included in the Governor's proposed annual budget.*

(2) Existing law, until January 15, 2015, specifically authorizes a value-pricing and transit development demonstration program involving HOT lanes to be conducted, administered, developed, and operated on State Highway Routes 10 and 110 in the County of Los Angeles by the Los Angeles County Metropolitan Transportation Authority (LACMTA) under certain conditions.

This bill would enact new provisions revising and recasting these provisions and would repeal the existing provisions, *thereby extending the program indefinitely*. The bill would specify additional requirements for agreements between LACMTA, the Department of Transportation, and the Department of the California Highway Patrol that identify the respective obligations and liabilities of each party relating to the program. The bill would require LACMTA, with the assistance of the department, to establish appropriate traffic flow guidelines for the purpose of ensuring the optimal use of the HOT lanes by high-occupancy vehicles.

The bill would delete the requirement that LACMTA may not change the vehicle occupancy requirement for access to the high-occupancy vehicle lanes in the identified corridors and would authorize LACMTA to define the hours of operation of the HOT lanes. *The bill would include, within the reimbursable costs of state agencies from toll revenues, the maintenance of state highway facilities in connection with the demonstration program.*

The bill would require LACMTA and the Department of Transportation to report to the Legislature by January 31, 2015, on various aspects and effects of the demonstration program.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 149.7 of the Streets and Highways Code
- 2 is amended to read:
- 3 149.7. (a) A regional transportation agency, as defined in
- 4 Section 143, in cooperation with the department, may apply to the
- 5 commission to develop and operate high-occupancy toll lanes,
- 6 including the administration and operation of a value pricing
- 7 program and exclusive or preferential lane facilities for public
- 8 transit, consistent with the established standards, requirements,

1 and limitations that apply to those facilities in Sections 149, 149.1,
2 149.3, 149.4, 149.5, and 149.6.

3 ~~(b) The commission shall review each~~ *Each* application for the
4 development and operation of the facilities described in subdivision
5 ~~(a) according~~ *shall be subject to review and approval by the*
6 *commission pursuant to eligibility criteria established by the*
7 *commission. For each eligible application, the commission shall*
8 *conduct at least one public hearing in northern California and*
9 *one in southern California.*

10 *(c) The Governor shall include in each proposed annual budget*
11 *the resources necessary for the commission to fulfill the*
12 *requirements of this section.*

13 ~~(e)~~

14 *(d) A regional transportation agency that develops or operates*
15 *a facility, or facilities, described in subdivision (a) shall provide*
16 *any information or data requested by the commission or the*
17 *Legislative Analyst. The commission, in cooperation with the*
18 *Legislative Analyst, shall annually prepare a report on the progress*
19 *of the development and operation of a facility authorized under*
20 *this section. The commission may submit this report as a section*
21 *in its annual report to the Legislature required pursuant to Section*
22 *14535 of the Government Code.*

23 SEC. 2. Section 149.9 of the Streets and Highways Code is
24 repealed.

25 SEC. 3. Section 149.9 is added to the Streets and Highways
26 Code, to read:

27 149.9. (a) Notwithstanding Sections 149 and 30800 of this
28 code, and Section 21655.5 of the Vehicle Code, the Los Angeles
29 County Metropolitan Transportation Authority (LACMTA), may
30 conduct, administer, and operate a value-pricing and transit
31 development demonstration program involving high-occupancy
32 toll (HOT) lanes on State Highway Routes 10 and 110 in the
33 County of Los Angeles. LACMTA may direct and authorize the
34 entry and use of the State Highway Route 10 and 110
35 high-occupancy vehicle lanes by single-occupant vehicles during
36 peak periods, as defined by LACMTA, for a fee. The amount of
37 the fee shall be established by, and collected in a manner to be
38 determined by, LACMTA.

39 (b) The LACMTA shall implement the program in cooperation
40 with the department, and with the active participation of the

1 Department of the California Highway Patrol, pursuant to an
2 agreement that addresses all matters related to design, construction,
3 maintenance, and operation of state highway system facilities in
4 connection with the program. With the assistance of the
5 department, LACMTA shall establish appropriate performance
6 measures, such as speed or travel times, for the purpose of ensuring
7 optimal use of the HOT lanes by high-occupancy vehicles without
8 adversely affecting other traffic on the state highway system.

9 (1) Agreements between LACMTA, the department, and the
10 Department of the California Highway Patrol shall identify the
11 respective obligations and liabilities of each party to the agreement
12 and assign them responsibilities relating to the program. The
13 agreements entered into pursuant to this section shall include clear
14 and concise procedures for enforcement by the Department of the
15 California Highway Patrol of laws prohibiting the unauthorized
16 use of the HOT lanes. The agreements shall provide for
17 reimbursement of state agencies, from revenues generated by the
18 program, federal funds specifically allocated to LACMTA for the
19 program by the federal government, or other funding sources that
20 are not otherwise available to state agencies for
21 transportation-related projects, for costs incurred in connection
22 with the implementation or operation of the program, *as well as*
23 *maintenance of state highway system facilities in connection with*
24 *the program*. Reimbursement for LACMTA's program-related
25 planning and administrative costs in the operation of the program
26 shall not exceed 3 percent of the revenues.

27 (2) All remaining revenue generated by the program shall be
28 used in the corridor from which the revenue was generated
29 exclusively for preconstruction, construction, and other related
30 costs of high-occupancy vehicle facilities and the improvement of
31 transit service in the corridor, including, but not limited to, support
32 for transit operations pursuant to an expenditure plan adopted by
33 the LACMTA.

34 (c) Single-occupant vehicles that are certified or authorized by
35 LACMTA for entry into, and use of, the State Highway Routes
36 10 and 110 high-occupancy vehicle lanes are exempt from Section
37 21655.5 of the Vehicle Code, and the driver shall not be in violation
38 of the Vehicle Code because of that entry and use.

39 (d) In implementing the program, the LACMTA shall identify
40 the affected communities in the respective corridors and work with

those communities to identify impacts and develop mitigation measures. The LACMTA shall assess the impacts of the program on commuters of low income and shall provide mitigation to those impacted commuters. Mitigation measures may include, but are not limited to, reduced toll charges and toll credits for transit users. Eligible commuters for reduced toll charges or toll credits for transit users shall meet the eligibility requirements for assistance programs under Chapter 2 (commencing with Section 11200) or Chapter 3 (commencing with Section 12000) of Part 3 of, Part 5 (commencing with Section 17000) of, or Chapter 10 (commencing with Section 18900), Chapter 10.1 (commencing with Section 18930), or Chapter 10.3 (commencing with Section 18937) of Part 6 of, Division 9 of the Welfare and Institutions Code.

(e) The LACMTA and the department shall report to the Legislature by January 31, 2015. The report shall include, but not be limited to, a summary of the demonstration program, a survey of its users, the impact on carpoolers, revenues generated, how transit service or alternative modes of transportation were impacted, any potential effect on traffic congestion in the HOV lane and in the neighboring lanes, the number of toll-paying vehicles that utilized the HOT lanes, any potential reductions in the greenhouse gas emissions that are attributable to congestion reduction resulting from the HOT lane demonstration program, and a description of the mitigation measures on the affected communities and commuters in this demonstration program. The report shall be submitted in compliance with Section 9795 of the Government Code. This subdivision shall become inoperative on January 31, 2019, pursuant to Section 10231.5 of the Government Code.

~~(e)~~

(f) Toll paying commuters shall have the option to purchase any necessary toll paying equipment, prepay tolls, and renew toll payments by cash or by using a credit card.

~~(f)~~

(g) This section shall not prevent the department or any local agency from constructing facilities that compete with a HOT lane demonstration project, and the LACMTA shall not be entitled to

- 1 compensation for adverse effects on toll revenue due to those
- 2 facilities.

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